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Clark, U.S. Dist. Court
W. Dist. of N.C.

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CHARLOTTE, NC

JUL 27 2009

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)

) DOCKET NO. 3:09CR113-W

v.)

) **CONSENT ORDER**

BEAZER HOMES USA, INC.)

WHEREAS, the United States, by and through Edward R. Ryan, Acting United States Attorney for the Western District of North Carolina, and the defendant, Beazer Homes USA, Inc. (“Beazer”) have entered into a Deferred Prosecution Agreement (“DPA”) which in part establishes a restitution fund (the “restitution fund”) to be used for national restitution for homebuyers victimized by Beazer’s discount points and/or down-payment assistance practices;

WHEREAS, the restitution fund is to be administered by a claims administrator;

WHEREAS, under the terms of the DPA, the Claims Administrator shall be selected in consultation with the United States, and approved by the United States, subject to the approval of this Court;

WHEREAS, the United States and Beazer have agreed to the selection of the Garden City Group as claims administrator based on their extensive experience as a claims administrator in numerous cases at both the federal and state level, including their current role of as claims administrator for the restitution fund established in cooperation with the North Carolina Commis-

sioner of Banks, which involves many of the issues underlying the Deferred Prosecution Agreement; and

WHEREAS, the Court finds, for good cause shown, that the selection of the Garden City Group as claims administrator for the national restitution fund is appropriate;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

The Garden City Group shall act as claims administrator for the national restitution fund.

SO ENTERED.

EDWARD R. RYAN
Acting United States Attorney
Western District of North Carolina

Kurt W. Meyers
KURT MEYERS
ASSISTANT UNITED STATES ATTORNEY
WESTERN DISTRICT OF NORTH CAROLINA

J. Kelley
DAVID N. KELLEY
ON BEHALF OF THE DEFENDANT
BEAZER HOMES USA, INC.

Signed this 27th day of July, 2009.

Frank D. Whitney
FRANK D. WHITNEY
UNITED STATE DISTRICT JUDGE